

DOUGLAS COUNTY

DEPARTMENT OF HEARING EXAMINER

140 19th Street NW
East Wenatchee, WAS 98802-4109

BEFORE THE DOUGLAS COUNTY HEARING EXAMINER

IN THE MATTER OF:)	FINDINGS OF FACT,
PA-13-01)	CONCLUSION, AND
Legacy Subdivision)	DECISION

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on June 13th 2013, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

FINDINGS OF FACT

1. The applicant is Highland Ridge Development, 2014 Legacy Pl SE, East Wenatchee WA.
2. General Description: A plat amendment application proposing to permit lot size averaging for Lots 1-20, 23, 25-32, and 34-41 of the Legacy Subdivision.
3. Location: The subject property is located at the intersection of S Lyle and 8th St SE in the SE Quarter of the SW Quarter of Section 18, Township 22 N., Range 21 E.W.M., Douglas County, WA. The Douglas County Assessors Parcel Numbers are 90100000004, 90100000005, 90100001100, 90100000010, 90100000019, 90100002200, 90100002300, 90100002500, 90100002600, 90100000008, 901000034, 90100003500, 90100003600, 90100003800, 90100003900, and 90100000011.
4. Site Characteristics: The subject properties are located within a residential subdivision.
5. The subject property is located within the East Wenatchee Urban Growth Area.
6. The Comprehensive Plan Designation is Residential Low Density.

7. The subject property is located in the R-L zoning district which allows for subdivisions as permitted uses.
8. On March 28, 2007, Douglas County adopted Ordinance No. 07-01H which adopted portions of Title 17 of the East Wenatchee Municipal Code within the unincorporated portions of the East Wenatchee Urban Growth Area. This adoption was most recently amended by adopting Ord 13-03-11B on March 5, 2013.
9. Preliminary approval for The Legacy Subdivision (a 41 lot major subdivision) was granted on January 28, 2008.
10. Phase 1 (Titled The Legacy Div. 1) was recorded on May 31, 2001. Phase 1 finalized residential lots 20 – 24, 33, 35, 36 and Tract A (stormwater tract).
11. Phase 2 (Titled The Legacy Div. 1 Phase 2) was recorded on December 11, 2012. Phase 2 finalized residential lots 11, 19, 25, 26, 34, 37 – 39.
12. Douglas County issued a Determination of Nonsignificance on December 27, 2007 pursuant to WAC 197-11-340.
13. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.
14. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.
15. Any Conclusion of Law that is more appropriately a Finding of Fact is hereby incorporated as such by this reference.
16. Appearing and testifying on behalf of the applicant was Jeffrey Clemons. Mr. Clemons testified that he was an agent authorized to appear and speak on behalf of the property owner. Mr. Clemons sought confirmation from staff as to the issue of phasing. Staff indicated that each phase would be required to meet lot size averaging criteria, as well as the project meeting the lot size average criteria.
17. Mr. Clemons testified that all the proposed conditions of approval were acceptable.
18. Testifying from the public was Paul Mock. Mr. Mock sought confirmation that the number of lots would not be increased. Staff indicated that there has been no request to increase the number of lots.

CONCLUSIONS

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.
2. Public use and interests will be served by approval of this proposal.
3. As conditioned, the proposal is consistent with Title 18 "Zoning", Title 17 "Subdivision", and Title 19 "Environment", of the Douglas County Code.
4. Any Finding of Fact that is more appropriately a Conclusion of Law is hereby incorporated as such by this reference.
5. As conditioned, the proposal meets the requirements of Lot Size Averaging, Chapter 17.72.045, EWMC, as adopted by Douglas County.
6. As conditioned, the development will not adversely affect the general public, health, safety and general welfare.

DECISION

Based on the above Findings of Fact and Conclusions of Law, Application PA-13-01, Legacy is hereby **APPROVED** subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials of file dated May 2, 2013 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. The project shall proceed in substantial conformance with the plans and application materials on file, except as amended by the conditions herein.
4. A plat certificate showing parties of interest from a title company must be submitted with the blue-line drawings.
5. The final plat map shall be submitted by a land surveyor licensed in the State of Washington, and shall comply with the standards set forth in Title 17 of the Douglas County Code.

6. All parties having an ownership interest in the subject property shall acknowledge the plat.
7. It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.
8. Conditions 10-12, 14-21, 23-27, 29-53, and 55-60 from the Douglas County Hearing Examiner's notice of action for P-07-12 are still in effect and verification that these conditions have been completed shall be provided prior to final plat approval.
9. Prior to final plat approval of Phase 3, a phasing plan must be approved that meets the lot size averaging requirements.
10. The following note shall be placed on the final plat:
 - Maximum lot coverage shall be 55%
 - Lots (list lot numbers for lots less than 7,000 square feet) shall have a front yard setback of 15 feet, except that garages shall be set back at least 18 feet from the right-of-way.
11. All lots (platted or unplatted) subject to this application shall complete a final plat review under this notice of action.
12. Preliminary approval shall expire 7 years from the date of Notice of Action by the Douglas County Hearing Examiner. Final plat approval after the expiration will require the submittal of a new preliminary application and approval based on applicable documents and codes in effect at the time of re-application.

Approved this 14 day of June, 2013.

DOUGLAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

EXCEPT AS PROVIDED BY DOUGLAS COUNTY CODE 1.24A AND 1.24 B, THE DECISION OF THE HEARING EXAMINER IS FINAL AND CONCLUSIVE UNLESS APPEALED TO THE DOUGLAS COUNTY SUPERIOR COURT WITHIN TWENTY-ONE (21) DAYS AFTER THE ISSUANCE OF A DECISION AS PROVIDED BY RCW 36.70C.040 AND DOUGLAS COUNTY CODE *1.61.160.